WA 26/2007
BEFORE
THE HON'BLE MR JUSTICE P.G.AGARWAL
THE HON'BLE MR. JUSTICE HRISHIKESH ROY
HRISHIKESH ROY,J:

Heard Mr.C.Barua, learned Senior Counsel appearing for the appellant, Mr. B.Banerjee, learned Govt Advocate, Arunachal Pradesh and Mr. S.N.Sarma, learned Senior Counsel appearing for the Respondent No.3 and 4.

By this appeal, the appellants have assailed the judgment dated 04.08.06 passed in W.P(C) No.88(AP)/2006 whereby the learned Single Judge has dismissed the writ petition filed by 49 employees of Arunachal Pradesh Forest Corporation Ltd, who were sought to be compulsorily retire by an order 28.12.2005. The petitioners challenged the said order on the ground that the Corporation being a government Corporation is yet to be wound up and certain functions are still being carried out by the Corporation and accordingly there is no need to order compulsory retirement of the writ petitioners.

It is noted that following the embargo placed by the Apex Court in T.N.Godavaranan Tirumulkpad, reported in (1997) 2 SCC 267, activities of the Corporation were greatly diminished and it has been functioning only in name. Accordingly, the Respondent Corporation is burdened with huge surplus working force and in order to get rid of the surplus employees a scheme for voluntary retirement was introduced. In the first phase of that process, approximately 334 employees opted for voluntary retirement. Thereafter, in the second phase of voluntary retirement scheme, some more employees also decided to opt for the scheme.

Despite reduction of strength of employees through the scheme of Voluntary Retirement as aforesaid, the Respondent Corporation continued to be burdened with large number of surplus employees. Accordingly in the 128th Meeting of the Board of Directors of the Respondent Corporation held on 27.12.2005, a decision was taken that since all the employees of the Corporation have been declared surplus, those who have not opted for voluntary retirement, should be compulsorily retired in view of the financial constraints of the Corporation. The said decision was put in writing by the impugned order dated 28.12.2005, which came to be challenged by 49 writ petitioners, who were subjected to the orders of compulsory retirement.

The learned Single Judge elaborately discussed all the issues raised on behalf of the petitioners and found that the Respondent Corporation had no other option but to go for compulsory retirement of its surplus employees. Learned Single Judge has further observed that same benefits as was given to employees who had opted for voluntary retirement, have also been extended to the writ petitioners, who have been ordered to be compulsorily retire from service. On the basis of such findings, the learned Single Judge declined to interfere with the order of the Corporation directing the petitioners /appellants to go on compulsory retirement from service.

It appears that as many as 49 employees had joined the writ petition, but in the present appeal we find that only 25 out 49 writ petitioners have joined. It is submitted by Mr. S.N.Sarma, learned Senior Counsel representing the Corporation that the remaining writ petitioners have decided to accept the order passed by the learned Single Judge and all of them have also received the benefits accruing to them under compulsory retirement scheme.

It is also submitted by Mr.Sarma that the benefits that would accrue to the affected employees under the compulsory retirement scheme would be more advantageous than the benefit that might accrued to them if the Corporation is to be wound up totally or the employees concerned are retrenched from service. On that basis also the learned counsel for Respondents submits that the decision of the Corporation to order for compulsory retirement is to enable the affected employees to receive better benefit. It is also submitted that winding up of the Respondent Corporation is not a sine qua non for ordering compulsory retirement of surplus employees of a Government Corporation.

Having regard to the submissions as well as the reasoning given by the learned Single Judge in dismissing the writ petition, we are of the view that no

case is made out for interference with the impugned decision of the learned Sing
le Judge.

Accordingly, this appeal stands dismissed with no order as to costs.